



#12/Terminal
Dis.

PATENT
Attorney Docket No. 81274A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Leeman
11-18-03

In re Application of:)
CHARLES S. MUNN ET AL.)
Serial No.: 09/761,468)
Filed: January 16, 2001)
For: RUBBERY PRODUCTS THAT)
SHRINK DUE TO THE)
APPLICATION OF ENERGY)
AND HYPO-ALLERGENIC)
RUBBERY PRODUCTS)

Group Art Unit: 3627

Examiner: Rena Dye

RECEIVED
JUL 18 2003
GROUP 3600

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
UNDER 37 C.F.R. 1.321(c)

I, Edward M. Kriegsmann, represent that I am an attorney of record in the above-identified application.

The assignee of the entire right, title and interest in and to U.S. Patent No. 6,221,447, granted on April 24, 2001, for RUBBER PRODUCTS THAT SHRINK DUE TO THE APPLICATION OF ENERGY AND HYPO-ALLERGENIC RUBBERY PRODUCTS, inventors Charles S. Munn and Robert E. Cohen is Charles S. Munn of 91 Walnut Hill Road, Chestnut Hill, Massachusetts, as

07/11/2003 HVJUN61 00000159 09761468

02 FC:2814

55.00 00

evidenced by the assignment recorded in the U.S. Patent and Trademark Office at Reel 8667, Frame 0094, on August 6, 1997.

The assignee of the entire right, title and interest in and to U.S. Patent Application Serial No. 09/761,468, filed January 16, 2001, for RUBBERY PRODUCTS THAT SHRINK DUE TO THE APPLICATION OF ENERGY AND HYPO-ALLERGENIC RUBBERY PRODUCTS CLOTHING TAG AND METHOD OF USE, inventors Charles S. Munn and Robert E. Cohen, (said Serial No. 09/761,468 being a continuation of Serial No. 08/907,100, which issued as U.S. Patent No. 6,221,447) is Charles S. Munn of 91 Walnut Hill Road, Chestnut Hill, Massachusetts, by virtue of the above-mentioned assignment.

To obviate a double patenting rejection, the terminal part of any patent granted on the above-captioned application, Serial No. 09/761,468, which would extend beyond the expiration date of the full statutory term defined in U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,221,447 is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,221,447, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, the terminal part of any patent granted on the above-captioned application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,221,447 is not disclaimed in the event that U.S. Patent No. 6,221,447 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally

disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued in any manner or is terminated prior to expiration of its full statutory term, except for the separation of legal title as stated above. This agreement runs with any patent granted on the above-captioned application and is binding upon the grantee, its successors and/or assigns.

In accordance with the fee schedule set forth in 37 C.F.R. 1.20(d), the required fee of \$55 is submitted herewith.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,


Kriegsman & Kriegsman

By: 

Edward M. Kriegsman
Reg. No. 33,529
665 Franklin Street
Framingham, MA 01702
(508) 879-3500

Dated: July 8, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 8, 2003.


Edward M. Kriegsman
Reg. No. 33,529
Dated: July 8, 2003